

REMARKS

The applicant has carefully considered the official action mailed on September 20, 2006, and the references cited therein. In the official action, claims 1-4, 6, 8, 11-14, 16, 22-25, 27, and 29 were rejected under 35 U.S.C. §103(a) as unpatentable over Van Der Vleuten et al. (U.S. Patent No. 6,535,845) in view of Jensen et al. (U.S. Patent No. 6,421,445), claims 7, 15, and 28 were rejected under 35 U.S.C. §103(a) as being unpatentable over Van Der Vleuten et al. in view of Jensen et al. and Best et al. (U.S. Patent No. 5,113,437), claims 9, 17, and 30 were rejected under 35 U.S.C. §103(a) as being unpatentable over Van Der Vleuten et al. in view of Jensen et al. and Scheirer et al. (U.S. Patent No. 6,363,175), and claims 10 and 31 were rejected under 35 U.S.C. §103(a) as being unpatentable over Van Der Vleuten et al. in view of Jensen et al. and Osawa (U.S. Patent No. 6,167,160). Claims 18-21, 32-38, 40 and 41 were allowed and, thus, are not discussed in detail below.

Claims 1-4, 6-25, 27-38, 40 and 41 remain pending in this application, of which claims 1, 6, 11, 18, 22, and 32 are independent. Favorable reconsideration is respectfully requested in view of the following remarks.

The applicant respectfully submits that independent claim 1 is allowable over the art of record. Independent claim 1 is directed to an encoder that, *inter alia*, calculates an entropy value associated with at least a portion of the signal and encodes the signal to insert an ancillary code representing the calculated entropy value to preserve an entropy of the encoded portion of the signal. None of the cited references describes or suggests an encoder that calculates an entropy value associated with at least a portion of the signal and encodes the signal to insert an ancillary code

representing the calculated entropy value to preserve an entropy of the encoded portion of the signal, as recited in claim 1.

The examiner contends that Jensen et al. describe encoding a signal to preserve an entropy of the encoded portion of the signal as presently claimed. However, as set forth in greater detail below, a careful review of Jensen et al. reveals that Jensen et al. fail to describe encoding a signal to preserve an entropy of the signal.

While Jensen et al. describe that an evaluation output is provided to a code generator to generate the codes with the audio signal by assigning a unique set of code frequency components to each of a plurality of data states or symbols, Jensen et al. do not describe entropy, calculating an entropy value, or encoding a signal to preserve an entropy of the encoded portion of the signal. The unique set of code frequency components described by Jensen et al. is not an entropy, an entropy calculation, or a preservation of an entropy as claimed.

Additionally, the applicant respectfully submits that the examiner has not provided any evidence that the unique set of code frequency components described by Jensen et al. serve to preserve an entropy of an encoded portion of a signal. Instead, the applicant respectfully submits that the examiner has merely asserted, without providing supporting evidence of record, that the encoding technique described by Jensen et al. would preserve an entropy of an encoded portion of a signal. Although the examiner refers to column 8, lines 52-56 of Jensen et al. to support this assertion, neither the cited passage nor the reference as a whole provides any supporting evidence. In particular, the cited passage, and the Jensen et al. reference as a whole, fails to describe an entropy, a calculation of an entropy, or encoding a signal to preserve an entropy of the encoded portion of the signal. Thus, the assignment of a

unique set of code frequency components to each of the data states or symbols described by Jensen et al. cannot be read to describe or suggest preserving an entropy of an encoded portion of the signal as asserted by the examiner.

Accordingly, the applicant submits that independent claim 1 is allowable over the art of record, and that the rejection of claim 1, and claims 2-4 dependent thereon, must be withdrawn.

Independent claims 6, 11, and 22 are also patentable over the art of record for at least the reasons set forth above in connection with claim 1. Thus, the applicant respectfully submits that these claims and all claims dependent thereon are also in condition for allowance. Reconsideration is respectfully requested.

Thus, for at least the foregoing reasons, the applicant respectfully submits that all pending claims are now in condition for allowance. If there are any remaining issues in this application, the applicants urge the examiner to contact the undersigned attorney at the number listed below.

The Commissioner is authorized to charge any deficiency in the enclosed check toward payment of any fee due for the filing of this paper to deposit account number 50-2455.

Respectfully submitted,

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